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November 21, 2019

VIA ECF

The Honorable Kevin McNulty, U.S.D.J.
The Honorable Edward S. Kiel, U.S.M.J.
United States District Court
Martin Luther King Federal Building
50 Walnut Street
Newark, NJ 07101

Re: *In re Mercedes-Benz Emissions Litigation*, Civil Action 16-881 (KM) (ESK)

Dear Judge McNulty:

This firm represents Defendants Daimler AG and Mercedes-Benz USA, LLC (the “Mercedes Defendants”) in the above-captioned action. We write jointly with Plaintiffs with regard to the Court’s November 14, 2019 and November 19, 2019 Orders (Dkt. 261, 265) directing the parties to submit a joint briefing schedule regarding the Mercedes Defendants’ pending appeals of orders issued by the Special Discovery Master (Dkt. 246, 263) and the parties’ proposal for an extension of the temporary stay (Dkt. 257) of the Special Master’s October 4, 2019 Order & Opinion (“October 4 Order”).

I. Joint Briefing Schedule

The parties’ briefing with regard to the Mercedes Defendants’ first appeal, of the October 4 Order (Dkt. 244), is complete. *See* Dkt. 246, 247, 258. The Mercedes Defendants’ filed their second appeal, of the Special Discovery Master’s November 4, 2019 Orders (Dkt. 250, 251), on November 18, 2019. Dkt. 263. The parties have conferred and have decided to follow the briefing schedule established by local D.N.J. rules for this appeal, as set out below.¹ Accordingly, briefing on the two appeals will be completed on December 9. Because of overlapping issues in the two appeals, the parties are amenable to a consolidated hearing on the two appeals, if that is agreeable to the Court. Dkt. 260.

¹ Defendants Robert Bosch LLC and Robert Bosch GmbH joined the Mercedes Defendants’ appeal of the Special Master’s November 4, 2019 Orders (Dkt. 264) and also agree to consolidation and this briefing schedule.

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Submission	Deadline
Plaintiffs' brief in opposition to the Mercedes Defendants' appeal of the Special Master's November 4, 2019 Orders	Monday, December 2, 2019
Mercedes Defendants' reply brief in support of their appeal of the Special Master's November 4, 2019 Orders	Monday, December 9, 2019

II. Temporary Stay of Special Master's October 4 Order

As directed by this Court, the Mercedes Defendants and Plaintiffs have conferred and agreed to extend the temporary stay of the October 4 Order until the Mercedes Defendants' appeal of that Order is completely resolved. As part of that agreement, the Mercedes Defendants and Plaintiffs have agreed to permanently modify the October 4 Order to require the production of only organizational charts (or lists of individuals, with the department and title of each, to the extent the individuals are not on organizational charts) for the departments of current and former employees who, based on a reasonable good-faith search, the Mercedes Defendants have identified as having information responsive to Plaintiffs' first, second, and third sets of Requests for Production. The parties respectfully request that this Court approve this agreed modification, which will focus the issues in the pending appeals, by "So Ordering" this letter below.²

The only issue remaining in the first appeal, with regard to the October 4 Order, therefore will concern whether the names of certain current and former Daimler AG employees who are European Union citizens should be produced subject to the Discovery Confidentiality Order or redacted. Until the Mercedes Defendants' appeal of the October 4 Order is resolved, Plaintiffs have agreed that Daimler AG may redact the names of current and former employees from the organizational charts and employee lists it provides to Plaintiffs.

If the parties' agreed approach meets the Court's approval, as described above, we ask that Your Honor "So Order" this letter and place it on the docket. We appreciate the Court's consideration and ongoing attention to this matter. We are available if the Court has any questions or concerns.

² The parties have also agreed to continue to be bound by the meet-and-confer obligations as described on page 2 of the October 4 Order.

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Respectfully submitted,

/s/ Lucas C. Townsend

cc: All Counsel of Record

SO ORDERED this ____ day of _____, 2019

HON. KEVIN MCNULTY, U.S.D.J.